

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MIMEDX GROUP, INC.,)	
)	
Plaintiff,)	
)	CASE NO. 1:16-cv-11715-MSS-SIS
-vs-)	
)	
MICHAEL FOX,)	
)	Judge Manish S. Shah
Defendant.)	
_____)	
)	Magistrate Judge Sidney I. Schenkier
MICHAEL FOX,)	
)	
Counter-Plaintiff)	
)	
-vs-)	
)	
MIMEDX GROUP, INC.,)	
)	
Counter-Defendant,)	
_____)	

JOINT ESI REPORT

Plaintiff/Counter-Defendant MiMedx Group, Inc. (“MiMedx”) and Defendant/Counter-Plaintiff Michael Fox (“Fox” or “Mr. Fox”) hereby jointly present a report to the Court on the status of the parties’ ESI discussions specifically addressing the questions in ECF No. 133, as follows:

- (a) **All agreements the Parties have reached on the use of the search terms “Bill” and “Miles,” as well as the other search terms identified in the second joint ESI report as under discussion.**

The parties reached agreement on all search terms raised in the second joint ESI report.

- (b) **Any areas of remaining disagreement, and for each area, a brief statement of each**

side's position.

The parties have resolved all remaining issues related to search terms to be run over MiMedx's emails and text messages. The parties have resolved all remaining issues related to search terms to be run over Fox's emails and text messages.

- (c) **A statement by each side of the total number of pages of ESI it will have to review (assuming that any remaining areas of dispute on which the Court must rule result in a larger rather than smaller number of documents to review), the total number of pages that each side already has reviewed, the number of documents remaining to review, and the date on which a rolling production of ESI can be commenced.**

MiMedx's Statement: MiMedx has currently loaded 160,321 documents into its database for review. MiMedx is continuing to load the final remaining documents based on the parties' agreements reached late last week as to the remaining search terms. MiMedx anticipates that the documents will be completely loaded by the end of the day Tuesday, December 5, 2017. MiMedx estimates that will have loaded for review a total of approximately 200,000 ESI documents. This number may reduce somewhat when the de-duping process finishes.¹ As of Monday, December 4, 2017, MiMedx has reviewed 135,190 documents. Additionally, MiMedx commenced its rolling production on December 2, 2017 (the files are scheduled to be delivered to Fox today, December 4, 2017).

Fox's Statement: Fox will have to review 26,117 documents, including any attachments. According to Fox's vendor, it is not possible to determine the exact number of pages Fox must review, but it is presumably greater than 26,117. Fox's vendor is currently loading documents for review and anticipates that the documents will be ready for Fox's review between Tuesday, December 5, 2017 and Wednesday, December 6, 2017. Fox has not begun his document review but anticipates that he can begin review Wednesday, December 6, 2017 and commence a rolling

¹ The de-duping process could not be completed prior to completion of the loading process because of the number of different searches over different custodians and different temporal periods.

production of ESI beginning December 12, 2017.

(d) A statement of when the parties delivered the StoneTurn and DTI devices to their vendor for review, and the date on which the vendor expects to complete that review.

Last week, the parties negotiated and agreed to a statement of work for the services to be performed by the agreed-upon third party vendor, SullivanStrickler. On December 4, 2017, the vendor received a fully-executed statement of work from the parties. MiMedx delivered the copies of the encrypted images to the vendor on December 4, 2017. On December 1, 2017, Fox delivered his copies of the encrypted images to the vendor, who confirmed receipt December 4, 2017. The vendor expects to complete the review within 5 business days of receiving the fully-executed statement of work and all the images.

Dated: December 4, 2017.

Respectfully submitted,

PLAINTIFF MIMEDX GROUP, INC.

/s/ Shanon J. McGinnis

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CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2017, the following parties received the above via

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